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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,573

03/29/2004

Mark Thomas

6488P008

3693

8791

7590

12/28/2004

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EXAMINER

NEILS, PEGGY A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,573

Applicant(s)

THOMAS ET AL.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11, 12, 15-19, 21, 23-26, 28, 29, 32, 34-39, 41, 42, 46-48, 50, 51, 52, 54-56, 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon. Gordon shows an illuminated wheel with LEDs extending at the center of a wheel and illuminating along cross bars extending across the diameter of the wheel with optical elements/waveguides 14 as shown in Figure 1. Another embodiment shown in Figure 7 shows the LEDs positioned within a wheel cover in the center of the wheel. Column 4, beginning at line 24 discusses a coating that may be applied to reflector/light transmitters 14.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang.

Wang teaches that it is known in the art to illuminate and position lights at the center of a wheel cover/hubcap.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 13, 14, 23, 30, 36, 43, 44, 51, 57 and 58 are rejected under 35 U.S.C. 102(a) as being anticipated by Cheung.

Cheung teaches that it is known in the art to provide LEDs along a portion of the rim of a wheel. Annular rings 22 house the LEDs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 27, 40 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view Hung.

Hung teaches that it is known in the art to use a shield 14 to direct light along an illuminated wheel. It would have been obvious to one skilled in the art that Gordon could be modified to include a shield in the same manner as taught by Hung because the shield provides a more direct way of focusing the emitted light along the wheel. Hung does not disclose whether the shield has a reflective coating. It would be an

obvious design choice to include a reflective surface on the inner portion of the shield as that would enhance the light emission.

Claims 20, 49 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of English et al.

English et al teaches that it is known in the art to use a prism sheet to reflect emitted light from an LED in a vehicle lamp. It would have been obvious to one skilled in the art that Gordon could be modified to include a prism sheet in the same manner as taught by English et al because both references are directed to vehicle lamps and the prism sheet directs the light into a focused area.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon.

Gordon does not disclose whether the multiple lights can function independent of each other. In the absence of any unobvious or unexpected results to include a system for independent operation of the multiple lights would be a design choice depending on how complicated a system is desired.

Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Gordon.

Cheung provides LEDs along the rim of the wheel. Gordon teaches that it is also know to either provide lighting along cross beams of the rim or at the center. It would be obvious to one skilled in the art that Cheung could be modified to include any of the various arrangements taught by Gordon because both refereneces are directed to illuminated wheels and it would depend on the lighting effect desired.

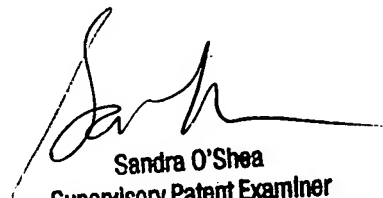
Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Aichele.

Aichele teaches that it is known in the art to provide illumination at the center of a wheel with light projectors 90. It would have been obvious to one skilled in the art that Gordon could be modified to include light projectors at the center of the wheel in the same manner as taught by Aichele because the conductors provide a more focused beam of light.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohkohdo et al is cited of interest for showing an illuminated wheel.

Any questions regarding this Office action should be directed to Examiner Neils at (571) 272-2377.



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